

## APPELLATE CRIMINAL.

*Before Sir Arthur J. H. Collins, Kt., Chief Justice, and  
Mr. Justice Parker.*

QUEEN-EMPRESS

1891.  
November 19.

v.

VENKATASAMI.\*

*Penal Code, s. 228—Insulting a Magistrate—Criminal Procedure Code, ss. 1, 196,  
480-482—Village Munsif.*

The accused intentionally insulted a Village Munsif in the discharge of his magisterial duties: the Village Munsif did not prefer a complaint or sanction a prosecution, but a Second-class Magistrate charged the accused under Penal Code, s. 228, on a police report and convicted him:

*Held*, (1) that Criminal Procedure Code, ss. 480-482 do not apply to Village Munsifs;

(2) that the Second-class Magistrate was competent to try the complaint, and the conviction was right.

PETITION under Criminal Procedure Code, ss. 435 and 439, praying the High Court to revise the proceedings of the Sub-Divisional Magistrate of Madanapalli confirming a conviction by the Second-class Magistrate of Peler Division.

The accused was charged under Penal Code, s. 228, with having intentionally offered an insult to a Village Munsif while sitting in a stage of a judicial proceeding and was convicted by a Second-class Magistrate. The Village Munsif did not prefer the complaint nor sanction the prosecution.

The accused preferred this petition on the following grounds:—

“ The proceedings in this case are wholly void, since the lower Courts had no jurisdiction whatever to try an offence under section 228, Indian Penal Code.

“ The conviction by the Courts below is wrong in law, because no sanction was given nor complaint made as required by section 195 of the Criminal Procedure Code.

“ The Lower Appellate Court is wrong in saying that no sanction is necessary since the Criminal Procedure Code does not apply to Village Munsifs.

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\* Criminal Revision (Case No. 366 of 1891).

QUEEN-  
EMPRESS  
v.  
VENKATASAMI.

“The offence under section 228 being a non-cognizable offence, the Second-class Magistrate had no jurisdiction to try the case on a police report, and the First-class Magistrate is wrong in construing the evidence of the Village Munsif as a complaint.”

Mr. *Subramanyam* for accused.

The *Government Pleader* and *Public Prosecutor* (Mr. *Powell*) in support of the conviction.

JUDGMENT.—We do not think the provisions of sections 480–482, Criminal Procedure Code, apply to Village Magistrates (section 1, Criminal Procedure Code).

It is true that no complaint was made by the Village Munsif, but that defect is covered by section 537, Criminal Procedure Code. The Second-class Magistrate is of a grade competent to try the complaint, and the sentence was reduced to simple imprisonment on the appeal. The imprisonment has been undergone.

There is nothing now to call for our interference. The petition is dismissed.

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## APPELLATE CRIMINAL.

*Before Mr. Justice Muttusami Ayyar and Mr. Justice Handley.*

QUEEN-EMPRESS,

v.

VIRANNA AND OTHERS.\*

1891.  
Sept. 14.

*Criminal Procedure Code, s. 40—Transfer of a Sub-Registrar invested with powers of a Special Magistrate—Act XXIV of 1859 (Madras), s. 48.*

A Sub-Registrar having been invested with Magisterial powers with reference to offences under Act XXIV of 1859 was transferred from the place where he was officiating at the time he was so invested to another place, and there took on to his file and tried certain cases. The District Magistrate having reported the cases for the orders of the High Court, the Court declined to quash his proceedings.

CASE reported for the orders of the High Court under Criminal Procedure Code, s. 438, by A. W. B. Higgins, Acting District Magistrate of Kistna.

The case was stated as follows :—

“The Sub-Registrar of Ponnur, M. Safdar Ali Saheb, was invested with third-class powers for trial of offences under

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\* Criminal Revision Cases Nos. 353 to 358 of 1891.